



# County of Los Angeles CHIEF EXECUTIVE OFFICE

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August 7, 2015

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From: Sachi A. Hamai  
Interim Chief Executive Officer

## **MOTION TO SUPPORT H.R. 2867, THE VOTING RIGHTS ADVANCEMENT ACT (ITEM NO. 13, AGENDA OF AUGUST 11, 2015)**

Item No. 13 on the August 11, 2015 Agenda is a motion by Supervisor Ridley-Thomas to instruct the County's advocates in Washington, D.C. to support H.R. 2867, the Voting Rights Advancement Act, which would update the coverage formula in Section 4 of the Voting Rights Act, to effectively protect voting rights and pass constitutional muster.

### **Background**

The Voting Rights Act (VRA) of 1965 was enacted in order to strengthen the enforcement of the 15th Amendment to the Constitution, which provides that the right of citizens to vote shall not be denied or abridged on account of race, color, or previous servitude. On June 25, 2013, in a 5 to 4 decision (*Shelby County v. Holder*), the United States Supreme Court struck down as unconstitutional Section 4(b) of the VRA, which contained the coverage formula that determined which states and jurisdictions had a history of voting discrimination, and, therefore, were required to obtain prior approval ("pre-clearance") from the federal government before implementing changes in election rules and procedures, such as those affecting redistricting, voter registration, and voter identification.

The majority opinion noted that "voting discrimination still exists," but that Section 4(b) of the VRA is unconstitutional because it conflicts with constitutional principles of federalism and "equal sovereignty of the states" by subjecting covered jurisdictions to federal oversight "based on 40-year-old facts having no logical relationship to the

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present day.” The dissenting minority contended that Congress, not the Court, is the body which should decide which jurisdictions are subject to the VRA’s pre-clearance procedures. The VRA originally was enacted in 1965, and subsequently amended and reauthorized five times -- most recently in 2006 under H.R. 9 (P.L. 109-246).

On June 24, 2015, Representative Terri Sewell (D-AL) introduced the Voting Rights Advancement Act of 2015 (H.R. 2867), which would satisfy the Supreme Court’s concern that the pre-clearance requirement be based on current voting conditions rather than on “40-year old facts.” The bill amends Section 4 of the VRA to establish a new coverage formula to cover any state with 15 or more voting rights violations in the most recent 25-year period or 10 or more voting rights violations in the most recent 25-year period with at least one violation committed by the state itself. It also would cover any political subdivision with three or more voting rights violations in the most recent 25-year period. Pre-clearance would be lifted after 10 years if a covered state or locality does not commit any new violation. According to Representative Sewell, the coverage formula would cover 13 states, including California.

The bill has 90 co-sponsors, all of whom are Democrats, including Representatives Bass, Chu, Hahn, Napolitano, Roybal-Allard, Sanchez, Torres, and Waters from the County’s Congressional delegation. An identical Senate companion bill (S. 1659), which has 31 cosponsors, including Senator Feinstein, was introduced by Senator Patrick Leahy (D-VT) on June 24, 2015. Each bill was referred to the Judiciary Committee of their respective houses with no action taken to date on either bill.

### **Conclusion**

The State of California and Los Angeles County were not among the jurisdictions covered by Section 4 of the Voting Rights Act before it was struck down by the Supreme Court. However, California would be a covered state under the new coverage formula in H.R. 2867, according to its author. **Support of this motion is consistent with existing Board-approved policy in the County’s Federal Legislative Agenda to support legislation to update Section 4 of the Voting Rights Act in order to effectively protect voting rights and pass constitutional muster, which was added pursuant to a Board order adopted on August 27, 2013.**

We will continue to keep you advised.

SAH:JJ:MR  
MT:ma

c: Executive Office, Board of Supervisors  
County Counsel